



February 22, 2005

HOUSE BILL No. 1434

DIGEST OF HB 1434 (Updated February 17, 2005 10:53 am - DI 96)

Citations Affected: IC 25-1; IC 25-20.7.

Synopsis: Registering interior designers. Requires the office of the secretary of state to register interior designers. Establishes the requirements for registration and fees. Requires the secretary of state to deposit fees into the electronic and enhanced access fund.

Effective: July 1, 2005.

Hinkle, Alderman, Dickinson

January 18, 2005, read first time and referred to Committee on Employment and Labor.
February 21, 2005, amended, reported — Do Pass.

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February 22, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1434

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-2-2.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. Rather than being
3 issued annually, the following permits, licenses, certificates of
4 registration, or evidences of authority granted by a state agency must
5 be issued for a period of two (2) years or for the period specified in the
6 article under which the permit, license, certificate of registration, or
7 evidence of authority is issued if the period specified in the article is
8 longer than two (2) years:

9 (1) Certified public accountants, public accountants, and
10 accounting practitioners.

11 (2) Architects and landscape architects.

12 (3) Dry cleaners.

13 (4) Professional engineers.

14 (5) Land surveyors.

15 (6) Real estate brokers.

16 (7) Real estate agents.

17 (8) Security dealers' licenses issued by the securities

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- 1 commissioner.
- 2 (9) Dental hygienists.
- 3 (10) Dentists.
- 4 (11) Veterinarians.
- 5 (12) Physicians.
- 6 (13) Chiropractors.
- 7 (14) Physical therapists.
- 8 (15) Optometrists.
- 9 (16) Pharmacists and assistants, drugstores or pharmacies.
- 10 (17) Motels and mobile home park licenses.
- 11 (18) Nurses.
- 12 (19) Podiatrists.
- 13 (20) Occupational therapists and occupational therapy assistants.
- 14 (21) Respiratory care practitioners.
- 15 (22) Social workers, marriage and family therapists, and mental
- 16 health counselors.
- 17 (23) Real estate appraiser licenses and certificates issued by the
- 18 real estate appraiser licensure and certification board.
- 19 (24) Wholesale legend drug distributors.
- 20 (25) Physician assistants.
- 21 (26) Dietitians.
- 22 (27) Hypnotists.
- 23 (28) Athlete agents.
- 24 (29) Manufactured home installers.
- 25 (30) Home inspectors.

26 **(31) Interior designers.**

27 SECTION 2. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

29 "Board" means the appropriate agency listed in the definition of
 30 regulated occupation in this section.

31 "Director" refers to the director of the division of consumer
 32 protection.

33 "Division" refers to the division of consumer protection, office of
 34 the attorney general.

35 "Licensee" means a person who is:

- 36 (1) licensed, certified, or registered by a board listed in this
- 37 section; and
- 38 (2) the subject of a complaint filed with the division.

39 "Person" means an individual, a partnership, a limited liability
 40 company, or a corporation.

41 "Regulated occupation" means an occupation in which a person is
 42 licensed, certified, or registered by one (1) of the following:

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- 1 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 2 (2) Board of registration for architects and landscape architects
- 3 (IC 25-4-1-2).
- 4 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 5 (4) State board of barber examiners (IC 25-7-5-1).
- 6 (5) State boxing commission (IC 25-9-1).
- 7 (6) Board of chiropractic examiners (IC 25-10-1).
- 8 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 9 (8) State board of dentistry (IC 25-14-1).
- 10 (9) State board of funeral and cemetery service (IC 25-15-9).
- 11 (10) State board of registration for professional engineers
- 12 (IC 25-31-1-3).
- 13 (11) Indiana state board of health facility administrators
- 14 (IC 25-19-1).
- 15 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 16 (13) Indiana state board of nursing (IC 25-23-1).
- 17 (14) Indiana optometry board (IC 25-24).
- 18 (15) Indiana board of pharmacy (IC 25-26).
- 19 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 20 (17) Board of podiatric medicine (IC 25-29-2-1).
- 21 (18) Board of environmental health specialists (IC 25-32-1).
- 22 (19) State psychology board (IC 25-33).
- 23 (20) Speech-language pathology and audiology board
- 24 (IC 25-35.6-2).
- 25 (21) Indiana real estate commission (IC 25-34.1-2).
- 26 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 27 (23) Department of natural resources for purposes of licensing
- 28 water well drillers under IC 25-39-3.
- 29 (24) Respiratory care committee (IC 25-34.5).
- 30 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 31 (26) Occupational therapy committee (IC 25-23.5).
- 32 (27) Social worker, marriage and family therapist, and mental
- 33 health counselor board (IC 25-23.6).
- 34 (28) Real estate appraiser licensure and certification board
- 35 (IC 25-34.1-8).
- 36 (29) State board of registration for land surveyors
- 37 (IC 25-21.5-2-1).
- 38 (30) Physician assistant committee (IC 25-27.5).
- 39 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 40 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 41 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 42 (34) Indiana physical therapy committee (IC 25-27).

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- 1 (35) Manufactured home installer licensing board (IC 25-23.7).
 2 (36) Home inspectors licensing board (IC 25-20.2-3-1).
 3 **(37) Office of the secretary of state for purposes of registering**
 4 **interior designers (IC 25-20.7).**
 5 ~~(37)~~ **(38)** Any other occupational or professional agency created
 6 after June 30, 1981.

7 SECTION 3. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, "board"
 9 means any of the following:

- 10 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 11 (2) Board of registration for architects and landscape architects
 12 (IC 25-4-1-2).
 13 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 14 (4) State board of barber examiners (IC 25-7-5-1).
 15 (5) State boxing commission (IC 25-9-1).
 16 (6) Board of chiropractic examiners (IC 25-10-1).
 17 (7) State board of cosmetology examiners (IC 25-8-3-1).
 18 (8) State board of dentistry (IC 25-14-1).
 19 (9) State board of funeral and cemetery service (IC 25-15).
 20 (10) State board of registration for professional engineers
 21 (IC 25-31-1-3).
 22 (11) Indiana state board of health facility administrators
 23 (IC 25-19-1).
 24 (12) Medical licensing board of Indiana (IC 25-22.5-2).
 25 (13) Mining board (IC 22-10-1.5-2).
 26 (14) Indiana state board of nursing (IC 25-23-1).
 27 (15) Indiana optometry board (IC 25-24).
 28 (16) Indiana board of pharmacy (IC 25-26).
 29 (17) Indiana plumbing commission (IC 25-28.5-1-3).
 30 (18) Board of environmental health specialists (IC 25-32-1).
 31 (19) State psychology board (IC 25-33).
 32 (20) Speech-language pathology and audiology board
 33 (IC 25-35.6-2).
 34 (21) Indiana real estate commission (IC 25-34.1-2-1).
 35 (22) Indiana board of veterinary medical examiners
 36 (IC 15-5-1.1-3).
 37 (23) Department of insurance (IC 27-1).
 38 (24) State police department (IC 10-11-2-4), for purposes of
 39 certifying polygraph examiners under IC 25-30-2.
 40 (25) Department of natural resources for purposes of licensing
 41 water well drillers under IC 25-39-3.
 42 (26) Private detectives licensing board (IC 25-30-1-5.1).

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- (27) Occupational therapy committee (IC 25-23.5-2-1).
 (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
 (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
 (30) State board of registration for land surveyors (IC 25-21.5-2-1).
 (31) Physician assistant committee (IC 25-27.5).
 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
 (33) Board of podiatric medicine (IC 25-29-2-1).
 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
 (35) Indiana physical therapy committee (IC 25-27).
 (36) Manufactured home installer licensing board (IC 25-23.7).
 (37) Home inspectors licensing board (IC 25-20.2-3-1).
(38) Office of secretary of state for purposes of registering interior designers (IC 25-20.7).
~~(38)~~ (39) Any other occupational or professional agency created after June 30, 1981.

SECTION 4. IC 25-1-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
 (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
 (3) Indiana auctioneer commission (IC 25-6.1-2).
 (4) State board of barber examiners (IC 25-7-5-1).
 (5) State boxing commission (IC 25-9-1).
 (6) State board of cosmetology examiners (IC 25-8-3-1).
 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
 (8) State board of funeral and cemetery service (IC 25-15-9).
 (9) State board of registration for professional engineers (IC 25-31-1-3).
 (10) Indiana plumbing commission (IC 25-28.5-1-3).
 (11) Indiana real estate commission (IC 25-34.1-2-1).
 (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
 (13) Private detectives licensing board (IC 25-30-1-5.1).
 (14) Manufactured home installer licensing board (IC 25-23.7).
 (15) Home inspectors licensing board (IC 25-20.2-3-1).
(16) Office of the secretary of state (IC 25-20.7).

SECTION 5. IC 25-20.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,

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ARTICLE 20.7. INTERIOR DESIGNERS

Chapter 1. Application

Sec. 1. This article applies to a person who practices interior design after December 31, 2005.

Sec. 2. This article does not apply to an owner or employee of a retail establishment who provides consultation regarding interior decoration or furnishing:

- (1) on the premises of the retail establishment; or**
- (2) for the purposes of an actual or prospective retail sale.**

Sec. 3. This article does not apply to a person who:

- (1) does not profess to be a registered interior designer; and**
- (2) is:**
 - (A) an architect licensed under IC 25-4; or**
 - (B) a professional engineer licensed under IC 25-31.**

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "ARE" refers to the Architectural Registration Exam.

Sec. 3. "Interior design" means client consultation and preparation and administration of design documents that include:

- (1) design studies;**
- (2) drawings;**
- (3) schedules;**
- (4) specifications; and**
- (5) contracts;**

relating to nonstructural and nonseismic interior elements of a building or structure. The term includes design documents for space plans, reflected ceiling plans, fire codes, permits, entrances, egress, ergonomics, and the design or specification of fixtures, furnishings, equipment, cabinetry, lighting, materials, finishes, and interior construction that does not materially affect the building system. The term does not include the architectural and engineering design of interior construction.

Sec. 4. "Interior designer" means a person who practices interior design.

Sec. 5. "NCIDQ" refers to the National Council for Interior Design Qualification.

Sec. 6. "Nonstructural or nonseismic" means interior elements or components that:

- (1) are not load bearing or do not assist in the seismic design;**
- (2) do not require design computations for the structure of a**

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building;

(3) do not include the structural frame system supporting a building.

This term includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

Sec. 7. "Out-of-state applicant" means an individual who is:

(1) an interior designer registered or licensed under the laws of another state, a foreign country, or a province in a foreign country; and

(2) an applicant for a certificate of registration under this article.

Sec. 8. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling was projected downward and may include lighting elements.

Sec. 9. "Registered interior designer" means a person registered under this article.

Sec. 10. "Secretary of state" means the office of the secretary of state.

Sec. 11. "Space planning" means the analysis of design of spatial and occupancy requirements, including space layouts and final planning.

Chapter 3. Registration Requirements

Sec. 1. (a) The secretary of state shall maintain a registry of all interior designers who:

(1) apply for and meet the registration requirements under this article; and

(2) pay the annual registration fee.

(b) The registry shall:

(1) be maintained in an electronic format; and

(2) include the:

(A) name of each registered interior designer; and

(B) date that the interior designer registered with the secretary of state.

Sec. 2. The secretary of state shall issue a certificate of registration to an interior designer who does the following:

(1) Applies for the registration on a form prescribed by the secretary of state.

(2) Meets the requirements of this article.

(3) Pays the registration fee under section 5 of this chapter.

Sec. 3. The secretary of state shall issue a certificate of registration to an applicant who satisfies section 2 of this chapter

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and the following:

(1) Meets one (1) of the following requirements:

(A) Completes a degree in interior design or similar discipline from an accredited college or university.

(B) Obtains:

(i) four (4) years of interior design higher education and two (2) years of full-time work experience;

(ii) three (3) years of interior design higher education and three (3) years of full-time work experience in interior design; or

(iii) two (2) years of interior design education and four (4) years of full-time work experience in interior design.

(2) Except as provided in section 4 of this chapter, an applicant must pass the examination administered by the NCIDQ or the ARE.

Sec. 4. The examination requirement under section 3(2) of this chapter is waived if the applicant holds:

(1) a valid license or certificate in interior design from an authority in another jurisdiction that has standards substantially equivalent to this article; and

(2) a current certificate issued by the NCIDQ or documentation of the successful completion of the ARE.

Sec. 5. (a) The secretary of state shall collect the following fees under this article:

(1) An initial registration fee of one hundred dollars (\$100).

(2) A biennial renewal fee of one hundred dollar (\$100).

(3) A restoration fee of three hundred dollars (\$300).

(b) The fees collected by the secretary of state under this article shall be deposited into the electronic and enhanced access fund established by IC 4-5-10-5.

Sec. 6. To qualify for registration under this article, the applicant must not have a conviction for:

(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the applicant's ability to practice competently.

Sec. 7. (a) This section applies only to an out-of-state applicant.

(b) The secretary of state shall grant a certificate of registration to an out-of-state applicant upon the following conditions:

(1) The applicant must be at least eighteen (18) years of age and must not have been convicted of:

(A) an act that would constitute a ground for disciplinary

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1 sanction under IC 25-1-11; or

2 (B) a felony that has a direct bearing on the applicant's
3 ability to practice competently.

4 (2) The applicant must:

5 (A) pass the examination administered by the NCIDQ or
6 the ARE; or

7 (B) hold a current valid license or certificate of registration
8 in interior design from an authority in another jurisdiction
9 that has standards substantially equivalent to this article.

10 (3) The applicant must pay fees established by the board.

11 Sec. 8. A registered interior designer shall display the certificate
12 of registration in a conspicuous place:

13 (1) in the principal office;

14 (2) of business; or

15 (3) of employment;

16 of the registered interior designer.

17 Sec. 9. (a) A registered interior designer shall have a seal or
18 design authorized by the secretary of state, the impression of which
19 must contain:

20 (1) the name of the interior designer;

21 (2) the words, "registered interior designer" and "state of
22 Indiana"; and

23 (3) the expiration date of the certification.

24 (b) A registered interior designer must place the seal described
25 in subsection (a) and signature of the registered interior designer
26 on any interior design construction documents issued by the
27 registered interior designer and filed for public record for
28 purposes of obtaining a building permit, including:

29 (1) drawings;

30 (2) plans;

31 (3) specifications; and

32 (4) reports.

33 (c) If a certificate of registration is suspended or revoked, the
34 interior designer shall return the seal to the secretary of state not
35 later than thirty (30) days after the date the certificate was revoked
36 or suspended. The secretary of state shall return the seal to the
37 interior designer if the suspension is removed.

38 Sec. 10. Notwithstanding section 3 of this chapter, a person may
39 be registered with the secretary of state and issued a certificate of
40 registration after completion of the requirements of section 2 of
41 this chapter if the person provides proof to the secretary of state
42 that:

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1 (1) the person has:

2 (A) received two (2) to four (4) years of education in
3 interior design; and

4 (B) practiced in the field of interior design for at least ten
5 (10) years; or

6 (2) the person has practiced interior design for at least fifteen
7 (15) years.

8 However, a person registered under this section may not place a
9 seal and signature on interior design construction documents as set
10 forth in section 9(b) of this chapter for the purpose of obtaining a
11 building permit unless the person has passed the examination
12 administered by the NCIDQ or the ARE.

13 Chapter 4. Renewal of Certification

14 Sec. 1. An individual who applies to renew a certificate of
15 registration as an interior designer must:

16 (1) furnish evidence showing successful completion of the
17 continuing education requirements under section 3 of this
18 chapter; and

19 (2) pay the renewal fee established under IC 25-20.7-3-5.

20 Sec. 2. (a) Renewal notices must be sent in accordance with
21 IC 25-1-2-6(c).

22 (b) The renewal fee must be paid in accordance with
23 IC 25-1-8-2(d).

24 Sec. 3. Each registered interior designer must complete at least
25 twelve (12) hours of continuing education in interior design or a
26 discipline related to the practice of interior design for the renewal
27 of a certificate under this chapter.

28 Sec. 4. (a) A registered interior designer who continues to
29 actively practice interior design shall:

30 (1) renew the certification within ninety (90) days before the
31 expiration of the certificate; and

32 (2) pay the renewal fee under IC 25-20.7-3-5.

33 (b) A registered interior designer whose certificate has expired
34 may have the certificate restored only upon payment of the
35 restoration fee under IC 25-20.7-3-5.

36 (c) Subject to subsection (d), an interior designer registered
37 under this article who has failed to renew the interior designer's
38 certificate for a period of not more than five (5) years from the
39 date the certificate expired may have the certificate renewed at any
40 time within the five (5) year period after the certification expired
41 upon:

42 (1) making application to the board for renewal of the

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certification; and

(2) paying a renewal fee equal to the sum of the renewal fees that the applicant would have paid if the applicant had regularly renewed the certification during the period that the certification lapsed.

(d) If a registered interior designer desires to retire from the practice of interior design in Indiana, the interior designer may submit to the secretary of state a verified statement of intention to withdraw from practice. The statement shall be entered in the records of the secretary of state. During the period of the interior designer's retirement, the interior designer is not liable for any renewal or restoration fees. If a retired interior designer desires to return to the practice of interior design in Indiana not later than a period of five (5) years after the date that the interior designer files a statement under this subsection, the retired interior designer must:

(1) file with the secretary of state a verified statement indicating the interior designer's desire to return to the practice of interior design; and

(2) pay:

(A) the renewal fee under IC 25-20.7-3-5 to renew an unexpired certification under this chapter, if the retired interior designer's certification is renewed for one (1) year or more in a biennial renewal cycle; or

(B) a renewal fee equal to one-half (1/2) the fee under IC 25-20.7-3-5 to renew an unexpired certification under this chapter, if the retired interior designer's certification is renewed for less than one (1) year in a biennial renewal cycle.

Sec. 5. The secretary of state shall keep a register of all applicants for certification showing for each applicant:

(1) the dates of application;

(2) the name, age, and other qualifications;

(3) the place of business;

(4) the place of residence;

(5) whether the applicant was denied or granted a certificate of registration under this article; and

(6) the date the applicant was denied or granted a certificate of registration.

Sec. 6. (a) A person may not use the title "registered interior designer" in Indiana or any title designation sign, card, or device indicating that the person is a registered interior designer unless

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1 the person has registered with the secretary of state under this
2 article.

3 (b) A person may not:

4 (1) present as the person's own the certificate of registration
5 or the seal of another;

6 (2) give any false or forged evidence of any kind to the
7 secretary of state or in obtaining a certificate of registration;

8 (3) impersonate any other registrant;

9 (4) use an expired, suspended, or revoked certificate of
10 registration.

11 (c) A violation of this section is a Class B misdemeanor.

12 Sec. 7. The secretary of state may suspend or revoke a
13 certificate of registration for a violation under section 6(b) of this
14 chapter.

15 Sec. 8. This article does not prevent an interior designer from
16 practicing interior design if the person does not use the designation
17 under section 6 of this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 27 through 42.

Delete page 3.

Page 4, delete lines 1 through 6.

Page 7, between lines 40 and 41, begin a new paragraph and insert:
"Sec. 2. "ARE" refers to the Architectural Registration Exam."

Page 7, line 41, delete "2." and insert "3."

Page 8, line 14, delete "3." and insert "4."

Page 8, line 16, delete "4." and insert "5."

Page 8, line 18, delete "5." and insert "6."

Page 8, line 28, delete "6." and insert "7."

Page 8, line 34, delete "7." and insert "8."

Page 8, line 37, delete "8." and insert "9."

Page 8, line 39, delete "9." and insert "10."

Page 8, line 41, delete "10." and insert "11."

Page 9, line 29, after "interior" insert "**design**".

Page 9, line 36, delete "NCIDQ." and insert "**NCIDQ or the ARE.**".

Page 9, line 42, delete "NCIDQ." and insert "**NCIDQ or documentation of the successful completion of the ARE.**".

Page 10, line 25, delete "NCIDQ;" and insert "**NCIDQ or the ARE;**".

Page 11, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 10. Notwithstanding section 3 of this chapter, a person may be registered with the secretary of state and issued a certificate of registration after completion of the requirements of section 2 of this chapter if the person provides proof to the secretary of state that:

(1) the person has:

(A) received two (2) to four (4) years of education in interior design; and

(B) practiced in the field of interior design for at least ten (10) years; or

(2) the person has practiced interior design for at least fifteen (15) years.

However, a person registered under this section may not place a seal and signature on interior design construction documents as set forth in section 9(b) of this chapter for the purpose of obtaining a building permit unless the person has passed the examination

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administered by the NCIDQ or the ARE."

Page 13, delete lines 20 through 31.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1434 as introduced.)

TORR, Chair

Committee Vote: yeas 12, nays 0.

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